

**AMENDMENT TO UTILITY SERVICE CONTRACT BETWEEN THE CITY OF
RAPID CITY AND THE DEPARTMENT OF THE AIR FORCE**

The CITY OF RAPID CITY (hereinafter "City"), a municipal corporation of 300 Sixth Street, Rapid City, South Dakota 57701, and the DEPARTMENT OF THE AIR FORCE (hereinafter "USAF"), an agency of the United States of America, of 1000 Ellsworth Street, Ste. 1200, Ellsworth AFB, South Dakota 57706, hereby amend that certain Utility Service Contract between the parties dated March 1, 1971, and numbered F39601-71-C-0110 (hereinafter "Contract").

WHEREAS, Exhibit A-1-1 and Exhibit A-1-2 to the Contract show the details of the connection point of the City's water distribution system with the water transmission line serving Ellsworth Air Force Base ("EAFB") and details of the water meter pit; and

WHEREAS, the existing water meter pit at the connection point is located immediately behind the curb and gutter in the City's Anamosa Street and N. Maple Avenue right-of-way; and

WHEREAS, the City is undertaking a street reconstruction and improvement project of the Anamosa Street and N. Maple Avenue right-of-way; and

WHEREAS, preliminary design work for the street reconstruction project indicates that the road will be widened to add traffic lanes and that the grade of the intersection of Anamosa Street and N. Maple Avenue will be lowered between 4 feet and 5 feet in elevation; and

WHEREAS, the water meter pit will have to be relocated to allow for the street reconstruction; and

WHEREAS, the growth of the City and the infrastructure of the City's water distribution system has enabled the City to move the connection point closer to EAFB and provide redundancy in water supply to the Base; and

WHEREAS, the USAF agrees that moving the water meter facility closer to EAFB and adding a second connection point are in its best interests; and

WHEREAS, in consideration of the foregoing, the parties wish to amend the Contract as set forth herein.

NOW THEREFORE, for and in consideration of the mutual promises and agreements contained herein, the City and USAF agree as follows:

1. New Metering Facility. A new above ground metering facility shall be constructed by the City in the area of Seger Drive and Dyess Avenue, more particularly shown on Exhibit A-1-3. The connection to the metering facility shall be within the existing transmission main easement. The metering facility shall be enclosed within a secure structure sufficient to protect it from the elements and limit access to authorized persons only. The structure shall not be constructed within the existing easement. The new metering facility shall replace the existing metering arrangement, and from and after completion of its construction, all metering and billing shall be based upon the new metering facility.

2. New Connection. A new connection between the City's water service system and USAF's existing 16" transmission main shall be made at the site of the new metering facility. City agrees to construct and place a system of valves to isolate the new metering facility from the City's water service system to allow water to be supplied through USAF's existing 16" transmission main from the N. Maple Avenue and Anamosa Street connection if needed.

3. Primary Connection Point. The parties agree that the new connection near Seger Drive and Dyess Avenue shall be the primary connection point for supplying water to EAFB. The existing connection at N. Maple Avenue and Anamosa Street shall remain active for use as a secondary or emergency backup to the new connection point until such time as redundancy in the

City's water system in the Seger Drive and Dyess Avenue area is achieved. All valves at the Anamosa Street and N. Maple Avenue connection shall remain closed unless such connection is necessary to supply water to EAFB.

4. Continued Use of Existing Transmission Main. The parties agree to continue the use of USAF's existing 16" water transmission main to deliver water. The secondary connection point at Anamosa Street and N. Maple Avenue shall be reconstructed in conjunction with the reconstruction of the intersection of those streets. This secondary connection shall not have metering capabilities and shall consist of a single isolation valve.

5. Ownership and Maintenance of Main. USAF shall maintain ownership and retain responsibility for maintenance and repairs of the existing 16" transmission main from its connection point at Anamosa Street and N. Maple Avenue to its terminus at EAFB.

6. Revised Exhibits. Exhibit A-1-1, Delivery Point, dated March 1, 1971, and Exhibit A-1-2, Meter Pit, shall be replaced by new exhibits as follows:

- a. Exhibit A-1-3, Delivery Point – Seger Drive/Dyess Avenue, dated December 31, 2012; and
- b. Exhibit A-1-4, Metering Facility Site – Seger Drive/Dyess Avenue, dated December 31, 2012.

7. Balance of Contract. The Contract shall be amended as described in paragraphs 1-6 above. All other terms of the Contract shall remain unchanged. In the case of conflict of another portion of the Contract not amended herein with the amended sections above, the amended sections shall control.

8. Entire Agreement. This Amendment, along with the Contract, constitutes the entire agreement between the parties, and supersedes all prior negotiations, agreements and understandings, whether oral or written.

9. Counterparts. This Amendment may be executed in counterparts; each such counterpart shall be deemed an original and when taken together with other signed counterparts, shall constitute one Amendment.

10. Headings. The headings and numbering of the different paragraphs of this Amendment are inserted for convenience only and are not to control or affect the meaning, construction or effect of each provision.

Dated this _____ day of _____, 20__.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

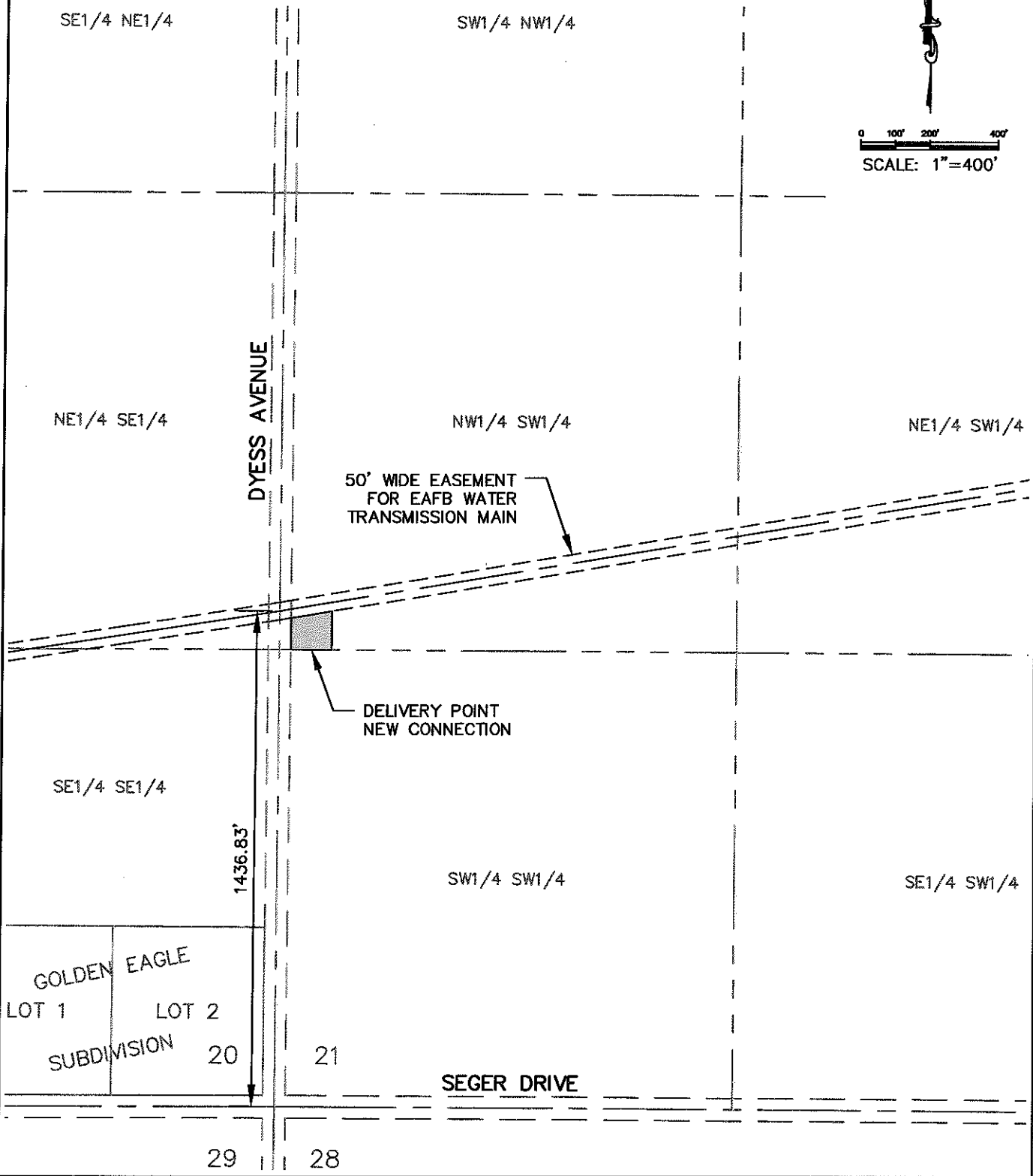
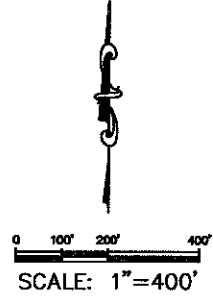
Dated this 9 day of May, 2013.

DEPARTMENT OF THE AIR FORCE

By 

Its _____

"EXHIBIT A-1-3"



**EAFB WATER METER
FACILITY RELOCATION
PENNINGTON COUNTY, SD**

DECEMBER 31, 2012

Sheet Title:
**DELIVERY POINT
SEGER DRIVE/
DYESS AVENUE**

Location:
**SW1/4 SECTION 21
T2N, R9E, S14M**

Surveyed By: **FMG**
Date: **9/24/12**

Designed By:
Drawn By: **KJS**
Checked By: **AF**

File Number:
1103401

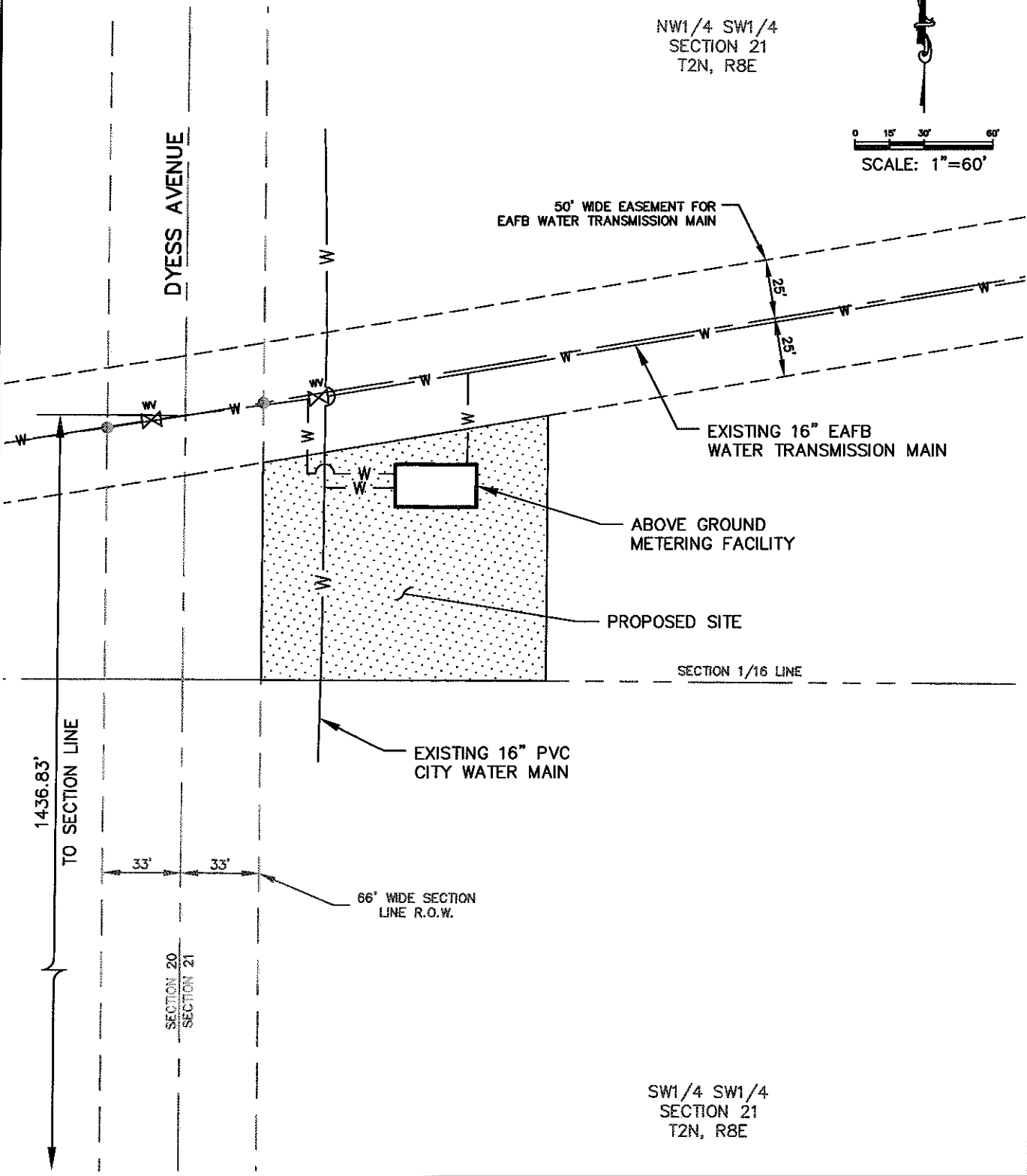
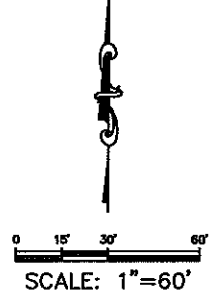
F M G, Inc.
3700 Sturgis Road
Rapid City, SD 57702-0317
(605) 342-4105 FAX (605) 342-4222
www.fmgengineering.com

Sheet Number: **1**

Total Sheets: **1**

"EXHIBIT A-1-4"

NW1/4 SW1/4
SECTION 21
T2N, R8E



SW1/4 SW1/4
SECTION 21
T2N, R8E

**EAFB WATER METER
FACILITY RELOCATION
PENNINGTON COUNTY, SD**

DECEMBER 31, 2012

Sheet Title:
**METERING
FACILITY SITE
SEGER DRIVE/
DYESS AVENUE**
Location:
SW1/4 SECTION 21
T2N, R8E, R4M

Surveyed By: FMG
Date: 9/24/12
Designed By: _____
Drawn By: KJS
Checked By: AF
File Number:
110134.01



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